

**REVISED**  
**MONTANA PUBLIC SERVICE COMMISSION**  
**UTILITY DIVISION**  
**AGENDA NO. 07-09-25**

Date Published: September 20, 2007

For Work Week Commencing: September 24, 2007

Commission Meeting: September 25, 2007 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the later part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Live audio feed Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio feed link on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

**9:00 a.m. Weekly Scheduling** (Commission Conference Room – No Web Audio Feed)

**9:30 a.m. Business** (Bollinger Room)

**Public Comments**

**Action Items** All items identified below are for action at the Commission business meeting.

**Work Sessions** All items identified below are for Commission discussion or action on the day designated.

1. D2005.6.105 – PSC Initiated – PSC investigation, direction, Qwest use of federal USF's – Discussion, direction, action on pending motions, objections, discovery issues, etc., other matters as necessary. (9/25/07)
2. N2007.8.101 – E-Energy, Inc. – Application for electricity supplier license – Act on license application. (9/25/07)

3. PSC authority related to electricity suppliers – Discuss how changes to current law affect the PSC’s regulatory authority over electricity suppliers and what steps need to be taken by the agency as a result. (9/25/07)
4. D2006.6.94 & D2007.6.59, consolidated – NorthWestern Energy – Annual Qualifying Facility Avoided Costs – Discussion, direction, action on all pending motions, objections, interim rates, etc. (9/25/07)
5. Court DV-07-57, 16<sup>th</sup> Jud. Dist., removal to fed. Court pending – Colstrip Energy Limited Partnership – Court complaint and judicial review of PSC orders in PSC dockets D2003.7.86, et, al., consolidated NWE and QF avoided cost – Placeholder for discussion and action on any matter that might arise. (9/25/07)
6. D2004.7.99, D2004.12.192, D2005.6.106 – NWE consolidated natural gas and electric USB dockets, Energy Share Motion to extend terms of Second Interim Order 6679b – Act on draft Third Interim Order. (9/25/07)
7. D2007.8.93 – Havre Pipeline Company – Farmstead Customer Rate Filing – Discuss/act on interim rate decrease. (9/25/07)
8. D2007.5.46 & D2006.5.66 – NorthWestern Energy – Application for Approval of Electric supply Deferred Cost Account Balance and Projected Electric Power Supply Cost – Discuss and act on NWE’s Motion for a Protective Order covering actual expenses, prices and volumes shown on monthly invoices related to a contract with the Bonneville Power Administration requiring confidentiality by its terms. (9/25/07)
9. D2007.9.110 (MCC), D2007.9.111 (PSC) – PSC Initiated – PSC and MCC fees (taxes) to fund the agencies respectively – Approve the recovery of the fees for the 10/1/07 through 9/30/08 year. (9/25/07)

### **Other Meetings**

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

**Notice Items** All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days

following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

1. Citizens Telecommunications N2007.9.112 (Scott)

On September 17, 2007, Citizens filed advice letter No. MT-07-09 Frontier Business Unlimited Service. The purpose of this filing is to introduce Frontier Business Unlimited Service. This bundle will be available to Business customers that subscribe to ten or fewer Single Party flat rated Business lines. Citizens requests that this filing become effective on October 18, 2007.

2. Qwest Corporation N2007.9.109 (Gary)

On September 17, 2007 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and Gap, Inc. (The Gap). Qwest is filing the MSA with the Commission for approval pursuant to Section 2.18 (Large Business Customers With a Multi-State Presence) of its Exchange and Network Service Tariff, and pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. As the result of The Gap seeking prices for their services and future service needs, Qwest offered a proposal which was accepted by The Gap. A MSA was executed with the Gap on August 28, 2007. Pursuant to the NCA, Qwest filed the appropriate proprietary cost information. The services purchased by The Gap are available from other competitive carriers in addition to Qwest.

Probable Motion: Move to approve the Qwest Corporation/Gap, Inc. MSA in Docket No. N2007.9.109

**Protective Orders – Notice Items** The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

**Protective Orders – Information Items** The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199.

1. NorthWestern Energy (NWE) D2007.7.82 (AI)

On September 19, 2007, the Commission issued Protective Order No. 6852a requested by NWE. The order protects from public disclosure NorthWestern Corporation's federal and state tax returns for 2003 through 2006.

2. Montana-Dakota Utilities Co. D2007.4.36 (Martin)

On September 19, 2007, the Commission issued Protective Order 6843a, which governs disclosure by Montana Dakota Utilities Co. of the details of natural gas purchase contracts, negotiations related to such contracts, and price information and forecasts used in those negotiations, all being information that will be submitted in the above docket.

3. Qwest Corporation D2005.6.105 (Martin)

On September 19, 2007, the Commission issued Protective Order 6670c, which governs disclosure by Qwest of detailed compilation of capital expenditures in 63 high cost exchanges, detailed compilation of number of customers subscribing to specific services, and cost-to-rate comparison for local rate structures in the above docket.

**Information Items** All items identified below are for information only.

**New Filings Received in Past Week**

D2007.9.104 – Mountain Water Company – Application to implement a power cost tracking adjustment

D2007.9.105 – NorthWestern Energy – Request for authorization for recovery of excess credit distributed to customers through the BPA residential exchange credit

D2007.9.106 – Qwest Corporation and Utility Telephone, Inc. – Application for approval of wireline interconnection agreement

D2007.9.107 – Montana-Dakota Utilities Co. – Application to implement a monthly gas cost tracking adjustment change

D2007.9.108 – Montana-Dakota Utilities Co. – Application to implement a monthly gas cost tracking adjustment for Oct. 1, 2007 through Sept. 30, 2008

N2007.9.109 - Qwest Corporation – Multi-State agreement between Qwest and Gap Inc.

D2007.9.110 – PSC Initiated – Montana Consumer Counsel funding fees

D2007.9.111 – PSC Initiated – PSC funding fees

N2007.9.112 – Citizens Telecommunications Company of Montana d/b/a  
Frontier Communications of Montana – Introduce Frontier business unlimited  
service